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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,208	01/25/2002	Peter N. Glynos	PNG-101A	1722

7590 09/23/2003

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EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,208

Applicant(s)

GLYNOS, PETER N.

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Detailed Action

In view of the Appeal filed on August 8, 2003, PROSECUTION IS HEREBY REOPENED. A new non final rejection follows.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

This is the third Office Action. Claims 21-40 are active.
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 21, 22, 24, 31, 32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers.

The patent to Myers shows a flexible cover to protect items from weather elements comprising a sheet of and anchors (20) to be filled with water to anchor the cover. The

anchors are separated and apart from each other. The sheet is defined by four edges, and edges opposite to each other contain a plurality of anchors.

Claims 21-24, 26, 27, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent No. 2,206,024 to Hoare.

The patent to Hoare shows another flexible cover comprising anchors (14 and 16) separated and apart from each other filled with water to anchor the cover. Both the sheet and the anchors are made of the same material (plastic); the sheet defines a central area where anchors 16 are found.

Claim Rejections - 35 USC § 103

Claims 23, 27-30, 33, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers in view Hoare.

The patent to Hoare shows another flexible cover comprising anchors (14 and 16) filled with water to anchor the cover. Both the sheet and the anchors are made of the same material (plastic), and it defines a central area where anchors 16 are found.

It would have been obvious to one skilled in the art at the time the invention was made to have made the sheet and anchors shown by Myers of the same material as shown by Hoare as a matter of expediency which facilitate the manufacturing of the cover. It would also have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Myers with anchors on the cover central portion as

shown by Hoare to have additional anchors and consequently provide for better protection.

Claim 25, 28, 29, 30, and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoare in view of Myers.

The patent to Myers shows the use of a plurality of anchors. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Hoare with a plurality of anchors as shown by Myers. This would make the device more versatile since it would permit the replacement of a single smaller anchor in case of rupture instead of a larger one.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramírez** at telephone number (703) 308-0748. The examiner can be normally reached on Monday-Thursday and alternate Fridays.

The fax numbers for this Group are (703) 872-9306 (official papers), and (703) 308-3519 (unofficial papers). Our Customer service fax number is (703) 872-9325.

Any inquiry of general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

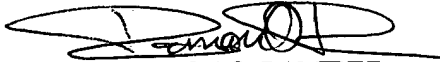
Application/Control Number: 10/057,208

Page 5

Art Unit: 3632

A shortened period for response to this Office Action expires **THREE MONTHS**
from the mailing date of this action.

R.O.RAMIREZ
September 16, 2003



RAMON O. RAMIREZ
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600
ART UNIT 3632